

S/L 8
08.05.2025
Court. No. 19
Sourav

WPA 6019 of 2024

**Sahidulla Molla
Vs.
The State of West Bengal & Ors.**

*Mr. Lalratan Mandal
Mr. Dilip Kumar Sadhu*

...for the petitioner.

*Mr. Chandi Charan De, Ld. AGP
Mr. Pritam Chaudhury
Mr. Sourav Mondal
Mr. Anirban Sarkar*

...for the respondent/State.

1. The affidavit-of-service as filed in Court today on behalf of the writ petitioner is taken on record.
2. Liberty is given to the learned advocate on record of the instant writ petition to make necessary insertion in the cause title of the instant writ petition by adding BL & LRO, Midnapore Sadar Block, Paschim Midnapore. Such correction is to be carried out positively in course of this day in Court.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent no. 7/authority for taking appropriate steps for removal of an unauthorized construction on public road in front of petitioner's land being R.S. Dag No. 1559 & 1560, 1561, L.R. Plot No. 2340, 2341, 2337 under P.S. Midnapore, District – Paschim Midnapore.
4. At the time of hearing, Mr. Mandal, learned advocate duly assisted by Mr. Sadhu, learned advocate appearing

on behalf of the writ petitioner at the very outset draws attention of this Court to Page Nos. 35 and 36 of the instant writ petition being a copy of the letter dated 16.01.2024 addressed to the different functionaries of the State who are the respondents/authorities herein.

5. It is submitted that under cover of the said letter dated 16.01.2024, it has been intimated to the said respondents/authorities that on account of an illegal construction over P.W.D. road at the instance of the respondent no. 8, the writ petitioner is facing extreme difficulty for easy egress and ingress to his aforementioned land. It is submitted that despite receipt of the said letter dated 16.01.2024, nothing has been done by the said respondent/authority.
6. Mr. De, learned AGP appearing on behalf of the State submits before this Court that an appropriate order may be passed directing the respondents/authorities, more specifically, the respondent no.7 to act in accordance with law.
7. None appears on behalf of the private respondent no. 8 despite service of notice.
8. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the writ petitioner and the respondent/State and its functionaries and while disposing the instant writ petition, this Court directs that added respondent no. 9 i.e., BL & LRO, Midnapore Sadar Block to make a field enquiry after service of

prior notice to the writ petitioner and the private respondent no. 8 and after completion of such enquiry, the said added respondent no. 9 shall submit a report with the respondent no. 7/authority.

9. The respondent no. 7/authority is hereby directed to consider the representation dated 16.01.2024 in the light of the said enquiry report and after giving an opportunity of hearing both to the writ petitioner as well as to the private respondent no. 8 and/or their authorized representatives shall pass a reasoned order and shall communicate the said reasoned order forthwith both to the writ petitioner and the private respondent no. 8 through by mail, if the mail details of the writ petitioner and the private respondent no. 8 are provided to him at the time of hearing.
10. It is made clear that the entire exercise as indicated in the foregoing paragraphs are to be completed by the added respondent no. 9 and the respondent no. 7 positively within 90 working days from the date of communication of the server copies of this order.
11. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copies of this order to the added respondent no. 9 and respondent no. 7 for their immediate compliance.
12. The added respondent no. 9 and respondent no. 7 are directed to act on the server copy of this order.
13. Liberty is given to the respondent no. 7 to act in accordance with law for removal of encroachment, if he

finds sufficient merit in the representation of the writ petitioner, soon thereafter.

14. With the aforementioned observations, the instant writ petition being **WPA 6019 of 2024** is disposed of.
15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)